

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 BRIAN S. TURNER
Deputy Attorney General
4 State Bar No. 108991
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0603
Facsimile: (916) 327-8643

7 *Attorneys for Complainant*

8
9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2010 - 297

14 **DOLLY LEE TILLMAN**
15 **P. O. Box 14542**
South Lake Tahoe, CA 96151

ACCUSATION

16 **Registered Nurse License No. 530746**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 **License History**

25 2. On or about March 13, 1997, the Board of Registered Nursing issued Registered
26 Nurse License Number 530746 to Dolly Lee Tillman ("Respondent"). The license was in full
27 force and effect at all times relevant to the charges brought herein and will expire on August 31,
28 2010, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, . . .

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

8. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

1 (c) Be convicted of a criminal offense involving the prescription,
2 consumption, or self administration of any of the substances described in
3 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
4 record pertaining to, the substances described in subdivision (a) of this section,
5 in which event the record of the conviction is conclusive evidence thereof.

6 COST RECOVERY

7 9. Code section 125.3 provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licensee found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 FIRST CAUSE FOR DISCIPLINE

12 (Criminal Conviction)

13 10. Respondent is subject to disciplinary action under Code section 2761, subdivision (f),
14 in that Respondent was convicted of crimes substantially related to the functions, duties, and
15 qualifications of a registered nurse, as follows:

16 a. On or about September 13, 2007, in the Superior Court of California, County of
17 El Dorado, in the case entitled, *People of the State of California v. Dolly Lee Tillman* (Super Ct.
18 El Dorado County, 2007, Case No. S07CRM0248), Respondent was convicted on her plea of
19 nolo contendere of violating Vehicle Code section 23103, subdivision (a), (Reckless Driving), a
20 misdemeanor.

21 The circumstances of the crime are that on or about December 21, 2006, a CalTrans plow
22 operator informed a California Highway Patrol officer that Respondent was driving recklessly on
23 U.S. Highway 50. After being pulled over and failing to perform the field sobriety tests, based
24 upon the CHP officer's observations, Respondent was placed under arrest for driving under the
25 influence of an alcoholic beverage.

26 b. On or about July 9, 2009, in the Superior Court of California, County of El Dorado, in
27 the case entitled, *People of the State of California v. Dolly Lee Tillman* (Super Ct. El Dorado
28 County, 2008, Case No. S08CRM0549), Respondent was convicted on her plea of nolo
29 contendere of violating Vehicle Code section 23152, subdivision (b), (Drive While Having .08%
30 Blood Alcohol Content and More], Penal Code section 148, subdivision (a)(1) (Resist, Obstruct,

1 Delay of Peace Officer or EMT), and Penal Code section 243, subdivision (c)(1) (Battery with
2 Injury on Emergency Personnel), misdemeanors.

3 The circumstances of the crime are that on or about April 8, 2008, the California Highway
4 Patrol were dispatched following a report of a possible D.U.I. driver on U.S. Highway 50. The
5 report stated the driver was observed swerving into the opposite lane, narrowly avoided collisions
6 several times, and had reached speeds of up to 80 m.p.h. When the CHP officer arrived,
7 Respondent's vehicle was located off the road with major front-end vehicle damage. Respondent
8 stepped outside of her vehicle and the CHP officer's investigation found respondent was under
9 the influence of alcohol to the degree she was unable to operate a motor vehicle.

10 Respondent was transported to Barton Memorial Hospital. Respondent's vehicle was
11 impounded and during the inventory search, the police officer found two plastic baggies of
12 marijuana. The officer was then called to the hospital based on a report Respondent was
13 combative with hospital personnel and refusing medical treatment. Respondent was so
14 combative, the officer used a taser to gain control of respondent. Respondent assaulted a nurse
15 while receiving medical treatment and evaluation.

16 c. On or about July 9, 2009, in the Superior Court of California, County of El Dorado, in
17 *People of the State of California v. Dolly Lee Tillman* (Super Ct. El Dorado County, 2008, Case
18 No. S08CRF0174), Respondent was convicted on her plea of nolo contendere of violating Penal
19 Code section 69 (Resisting Executive Officer), a felony, and Penal Code 242 (Battery), a
20 misdemeanor.

21 The circumstances of the crime are that on or about July 14, 2008, the South Lake Tahoe
22 Police were dispatched to a non-injury car accident involving Respondent. The officer observed
23 Respondent to have red, watery eyes, slow slurred speech, and unable to stand without assistance.
24 The officer smelled a strong odor of alcohol emitting from Respondent. Respondent refused to
25 take the field sobriety tests. Respondent was transported to Barton Memorial Hospital for a blood
26 test. While driving to the hospital, Respondent spit in the patrol vehicle and later spat on and bit
27 the officer who was to escorting her into the hospital.

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Criminal Convictions Involving the Consumption of Alcohol)**

3 11. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
4 on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c), in
5 that Respondent was convicted of a crime involving the consumption of an alcoholic beverages,
6 as set forth in paragraph 10, above.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Use an Alcoholic Beverage to the Extent or**
9 **in a Manner Dangerous or Injurious to Herself or Others)**

10 12. Respondent is subject to disciplinary action under Code section 2762, subdivision (a),
11 on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in
12 that Respondent consumed alcoholic beverages to an extent or in a manner dangerous or injurious
13 to herself or others, as set forth paragraph 10, above.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Revoking or suspending Registered Nurse License Number 530746 issued to
18 Dolly Lee Tillman;
19 2. Ordering Dolly Lee Tillman to pay the Board the reasonable costs of the investigation
20 and enforcement of this case, pursuant to Code section 125.3; and,
21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: 12/15/09

Louise R. Bailey
LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

24
25
26
27 SA2009102834
28 10507582.doc